IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1320 OF 2005

Shri Prasad V. Patankar ...Applicant.

V/s

Sanjay Kalidas Kamble
& Anr. ....Respondents.

Shri Amit B. Borkar for the applicant.
Shri S.R. Shinde for the State

CORAM: V.M.KANADE,J.
DATE: 21st March, 2005

P.C.:

1. Heard the learned Counsel for the applicant.

2. The applicant is challenging the order of issuance of process by the learned JMFC as also the order below Exhibit 19 dated 14/12/2004. It is submitted by the learned Counsel for the applicant that since the list of witnesses has not been supplied by the complainant, the complaint is liable to be dismissed. It is further submitted that in the complaint no particulars of transaction are given and the complaint itself if very vague.

3. It is submitted that the ratio laid down in Pramila Vs. Employees State Insurance Corporation reported in 2002(2) Mh.L.J. 100 has not been properly followed by the Trial Court.

4. It is not possible to accept the submissions made by the learned Counsel appearing for the applicant. The complainant in his application dated 30/10/2004 has stated that the list of witnesses supplied by the accused are the same witnesses which he proposes to examine. Thus it is not correct that the list of witnesses has not been supplied by the complainant. So far as the other submission regarding liability of the accused is concerned, the said question will be determined only after the evidence is led in the trial Court. Thus, there is no reason to interfere with the order passed by the Trial Court.

5. Writ Petition is rejected.

V.M. KANADE, J.